

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 07-59567

BERNARD RICHARD NOLAN, III, and
CHARLENE KAY DUPON-NOLAN,

Chapter 7

Judge Thomas J. Tucker

Debtors.

**ORDER DENYING *IN PART* DEBTORS' MOTION TO REOPEN CHAPTER 7 CASE
AND TO WAIVE FILING FEE FOR THE MOTION TO REOPEN (DOCKET # 18)**

This case is before the Court on a motion Debtors filed entitled "Motion to Reopen Chapter 7 Case" (Docket # 18, the "Motion"). The Motion seeks, in part, waiver of the filing fee for the motion to reopen the case. The Court cannot waive this filing fee.

In addition, the Court notes the following. The Court would not waive the filing fee to file the motion to reopen in this case, even if it had discretion to do so. The motion to reopen does not explain why the debtors failed to obtain the required course in personal financial management until June 10, 2008, over eight months after filing this bankruptcy case on September 29, 2007. The Federal Bankruptcy Rules require that the debtors' certification of completing this course be filed no later than 45 days after the first date set for the first meeting of creditors. *See* Fed.R.Bankr.P. 1007(b)(7) and (c). In this case, that deadline was December 26, 2007. The Court will reopen this case for the purpose stated by the motion to reopen, when the required filing fee has been paid,¹ but will not waive the filing fee.

Accordingly,

¹ This assumes, of course, that Debtor's counsel submits a new proposed order to reopen the case after the filing fee is paid. That will promptly bring to the Court's attention that the filing fee has been paid.

IT IS ORDERED that, to the extent the Motion (Docket # 18) seeks an Order waiving the filing fee for the Motion, it is DENIED.

IT IS FURTHER ORDERED that this Order does not resolve the Motion to the extent it seeks an order reopening the case. The Court will not consider that aspect of the Motion until the filing fee for the Motion has been paid.

Signed on February 04, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge